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Docket No. F-8110



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kazutoshi TODA, et al.
Serial No. : 10/783,447
Filed : February 20, 2004
For : VEHICLE-USE BEARING APPARATUS
Group Art Unit : 3682
Examiner : Lenard Footland
Confirmation No. : 1295
Customer No. : 000028107

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 on November 15, 2006.

Herbert F. Ruschmann
(Name)

H F Ruschmann
(Signature)

MAIL STOP PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO REVIVE
UNINTENTIONALLY ABANDONED APPLICATION
UNDER 37 CFR §1.137(b)**

Sir:

Applicant respectfully petitions to revive above identified application.

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REMARKS

In the present application, the Examiner issued an Office Communication indicating that applicant's Amendment filed June 6, 2006, with a three month extension in response to an Office Action of December 6, 2005, was not fully responsive because it did not respond to a restriction of species requirement inserted at the end of an Office Action in which all claims were substantively examined. While applicant's believe that the proper action to be taken by the Examiner, especially in view of the unorthodox construction of the Office Action, would have been to issue a communication recognizing applicant's bona fide attempt to reply to the Office Action and set forth a month period for reply, this the Examiner has not done.

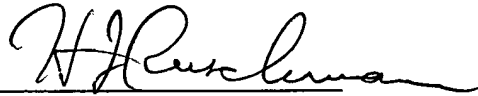
In order to expeditiously further prosecution of this application, applicant hereby petitions for revival of the application. The abandonment of this application was unintentional. The entire delay in filing the required reply from the due date of the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

The required reply is hereby provided in the form of a **RESPONSE TO RESTRICTION REQUIREMENT**.

A PTO Form 2038 credit card authorization form is provided herewith in the amount of \$1500.00 which includes is the fee for the instant Petition.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,
JORDAN AND HAMBURG LLP

By 
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enc: Response to Restriction Requirement, PTO form 2038.